



U.S. Department of Justice

United States Attorney
Southern District of New York

MEMO ENDORSED

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

February 15, 2021

BY ECF & EMAIL

Hon. Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, New York 10007

USDC SDNY
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Re: United States v. Figueroa, 92 Crim. 19 (VEC)

Dear Judge Caproni:

The Government respectfully requests an adjournment of the 5:00 p.m. briefing deadline and of tomorrow's sentencing so that the Government has an opportunity to address the issues the defendant raised in his letter of this afternoon. The defendant does not object to a brief adjournment.

The Government understands that the Court plans to convert tomorrow's previously scheduled sentencing proceeding to a conference. The Government remains available at the time of the scheduled proceeding, and has been informed by defense counsel that counsel is prepared to waive the defendant's presence at that proceeding.

Application GRANTED. Defendant's resentencing is adjourned to **March 2, 2021 at 10:00 a.m.** No later than **February 19, 2021**, the Government must respond to Defendant's argument that his § 922(g) conviction does not trigger a 15-year mandatory minimum because the Puerto Rico robberies do not qualify as crimes of violence. See Dkt. 104. Defendant's reply is due by **February 26, 2021**.

A teleconference will be held on **February 16, 2021 at 2:00 p.m.** The parties must appear for the conference by dialing 888-363-4749, using the access code 3121171 and the security code 0019.

Respectfully Submitted,

AUDREY STRAUSS
United States Attorney

by: /s/ Kevin Mead

Kevin Mead
Assistant United States Attorney
(212) 637-2211

SO ORDERED.

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

2/16/2021